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Signature

Typed or printed

name Vivian DelaRosaApplication Number
09/718,931Filed
11/21/2000First Named Inventor
Paul D. ArlingArt Unit
2614Examiner
Yenke, Brian P.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 35,906

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Gary R. Jarosik

Typed or printed name

(312) 456-8449

Telephone number

January 31, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PRE-APPEAL REVIEW REQUEST

In the application claims 6-9, 11, and 15-19 remain pending and presently stand rejected as being anticipated by Uehira (U.S. Patent No. 4,755,883).

It is respectfully requested that the Review Panel reconsider this rejection. More particularly, it is respectfully requested that the rejection of the claims be withdrawn for the reason that Uehira fails to disclose, teach, or suggest each and every element set forth in the claims as is required to maintain a rejection under 35 U.S.C. § 102, i.e., "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

The claimed invention is directed to a remote control which is operable with a media device to perform a timed channel surfing/commercial skipping operation. As is expressly set forth in the claims, the remote control includes a timer for measuring a predetermined time interval, a wireless transmitter, and a memory. As further set forth in the claims, *the remote control also has programming* which causes a primary channel indicator to be stored in the memory of the remote control in response to a first user action, which causes the timer of the remote control to be started in response to a second user action, and which causes the wireless transmitter of the remote control to wirelessly transmit to the media device a command signal corresponding to the primary channel indicator in response to expiration of the predetermined time interval and without regard to a current state of any media being received by the media device to thereby return the media device to the primary channel. Furthermore, the command signal transmitted by the remote control is one selected from a library of command signals pre-established within the remote control as being appropriate for commanding various operations of the media device.

Turning now to Uehira, Uehira discloses a system in which a removable information inputting device 6 is provided to operate with a video tape recorder 1. In the rejection of the claims, the removable information inputting device 6 is alleged to be the claimed "remote control." As further disclosed within Uehira, information of a program to be recorded is input into the removable information inputting device 6 via key inputting means 7 at a time when the removable information inputting device 6 is removed from the video tape recorder 1. The information of the program to be recorded includes a recording start time, a recording period of time, a channel number on a television, a timer program number, and the like which information is stored in a RAM 12 of the removable information inputting device 6. After the information of the program to be recorded is input into the removable information inputting device 6, the removable information inputting device 6 is again stored within the video tape recorder 1 whereupon the video tape recorder 1 causes the information stored within the RAM 12 of the removable information inputting device 6 to be transferred to a RAM memory 17 of the video tape recorder 1. Once the information is transferred into the RAM memory 17 of the video tape recorder 1, the video tape recorder 1 causes the information stored in the RAM 17 of the video tape recorder 1 to be compared with the present time of a timepiece provided in the video tape recorder 1 and, when the recording start time in the stored information of the program to be recorded is equal to the present time counted by the timepiece of the video tape recorder 1, the video tape recorder 1 reads the information in the RAM 17 to cause itself to start the recording of a desired program. Thus, in Uehira, based upon the information downloaded by the video tape recorder 1 into its internal RAM 17, the programming of the video tape recorder 1 causes the video tape recorder 1 **itself** to, for example, record channel 5 for thirty minutes, then channel 6 for thirty minutes, and then record channel 5 again for thirty minutes.

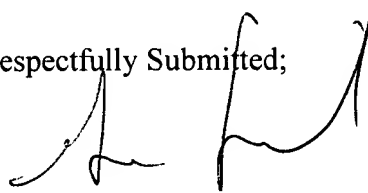
From the foregoing, it will be appreciated that Uehira, which discloses nothing more than a video tape recorder which has programming for accessing its own RAM memory to control its own recording functionality, does not disclose, teach, or suggest the identical invention in as complete detail as is contained in the claims. Furthermore, while the removable information inputting device, alleged to be a “remote control” by the Examiner, may include a timepiece “so that the present time counter by the timepiece is displayed on display 8” as asserted in the rejection of the claims, nowhere does Uehira disclose, teach, or suggest that the timepiece of the removable information inputting device measures a predetermined time interval or that the removable information inputting device has programming which uses the timepiece to cause the removable information inputting device to do *anything* other than display time. Thus, since nothing from Uehira can be read as setting forth a remote control which, among other things, includes **all of** a timer for timing a predetermined timed interval, a wireless transmitter, a memory, *and programming* stored within memory which functions to: a) store a primary channel in the memory in response to first user action ; b) start the timer in response to second user action; and c) cause the wireless transmitter to transmit to a media device a command signal corresponding to the primary channel stored in the memory in response to expiration of the predetermined interval timed by the timer where the command signal is selected from a library of command signals pre-established within the remote control as being appropriate for commanding various operations of the media device as is required by the claims, it is respectfully submitted that Uehira neither anticipates nor renders obvious the invention set forth in the claims. For this reason it is respectfully submitted that the rejection of the claims under 35 U.S.C. § 102 must be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Review Panel is respectfully requested.

Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, it is respectfully requested that the attorney undersigned be contacted.

Respectfully Submitted;

A handwritten signature in black ink, appearing to be 'G. Jarosik', written over the words 'Respectfully Submitted;'. The signature is fluid and cursive.

Date: January 31, 2006

By: Gary R. Jarosik, Reg. No. 35,906
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